

Exhibit D

30(b)(6) Cigna (Helton, Carolyn)
Nashville, TN

March 13, 2008

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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IN RE: PHARMACEUTICAL) MDL NO. 1456
INDUSTRY AVERAGE)
WHOLESALE PRICE) CIVIL ACTION:
LITIGATION) 01-CV-12257-PBS
)

THIS DOCUMENT RELATES TO)
U.S. ex rel. Ven-A-Care)
of the Florida Keys,)
Inc. v. Abbott)
Laboratories, Inc., et)
al. No. 06-CV-11337-PBS)

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March 13, 2008

VIDEOTAPED 30(b)(6) DEPOSITION OF

CIGNA (CAROLYN HELTON)

Taken on Behalf of the Defendants

Henderson Legal Services, Inc.

202-220-4158

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12 (Pages 42 to 45)

<p style="text-align: right;">42</p> <p>1 Q And by doing that, then you would come up 2 with the cost or the unit dosage? 3 A Correct. 4 Q Okay. We can take a break for five 5 minutes if you'd like. You can hold onto that. 6 We'll have a few more calculations, but I 7 promise not to get too obnoxious. 8 THE VIDEOGRAPHER: We're going off 9 the record. The time is 9:51. 10 (Recess.) 11 THE VIDEOGRAPHER: Back on the 12 record. The time is 10:00. 13 BY MS. GIULIANA: 14 Q Okay. So going back to the second page of 15 Exhibit 125. If you can just explain to me how 16 it is that you calculated the median by using 17 the numbers in the cost/unit dosage column. 18 A Okay. Once you determine the usage, then 19 you would see how many different actual items 20 that you have. There's 11. If you disregard 21 the one that says it was recalled, so the median 22 on that would have been the sixth.</p>	<p style="text-align: right;">44</p> <p>1 A No. 2 Q Okay. Those just get tossed? 3 A Yes. 4 Q And if I wanted to check any of the 5 information that's contained in this worksheet, 6 how would I go about doing that? 7 A You would need to have the '94 annual, the 8 May 1994 Red Book and the August 1994 Red Books, 9 and look up the information in those Red Books 10 to verify that the price was pulled correctly, 11 and then determine the calculations. 12 Q And does Cigna maintain those -- those Red 13 Book updates? 14 A Not all of them. 15 Q Which ones does Cigna maintain? 16 A I am not exactly sure which ones that were 17 maintained. Some of them -- I don't think we 18 had a '94 because the annual would have come out 19 prior to DMERC. So the '94 we would have for 20 DME borrowed from our Part B side, and I don't 21 know what their retention is on that. I don't 22 think they have them back that far.</p>
<p style="text-align: right;">43</p> <p>1 So you would go from -- you have 40, 2 41, you had your first, your second, your third 3 is 42, your fourth is 43, fifth is 43, and your 4 sixth is 43. 5 Q Okay. 6 A So your sixth item in your array would 7 have been 43 cents. 8 Q Okay. And would you do the actual array 9 on a separate worksheet or its's just something 10 that you could do in your head? 11 A It would depend on who was updating the -- 12 Q Okay. What was your practice? 13 A Usually I just use the actual sheet. 14 Q Meaning this sheet in front of us? 15 A Uh-huh. 16 Q And just counting from lowest to highest? 17 A And just doing the array. If you get into 18 more than this, then yes, I would have put them 19 into something -- wrote all of them down and 20 then chose. 21 Q Okay. And when you write them all down, 22 do you save those worksheets?</p>	<p style="text-align: right;">45</p> <p>1 For ours, I do have the other ones if 2 we received them. Some Red Books, like one 3 month we might not have received the update. 4 For the annual, once we went to CD, 5 we dropped the annual. So, again, if we needed 6 the annual itself, we would have borrowed it. 7 Q Okay. Were you involved in collecting 8 documents that are responsive to this case? 9 A Yes. 10 Q And in collecting documents, did you 11 collect any of the Red Books or Red Book updates 12 that Cigna has? 13 A I gave some Red Book updates pages, but I 14 am not sure if they were -- they weren't 15 produced as part of my evidence, so I am not 16 sure. We had the Red Books at the office and 17 were asked to provide certain pages. 18 Q Okay. 19 A So -- 20 Q And if you can just look at the prices on 21 this page and tell me if the price for Dey Labs 22 is either at the median, below the median or</p>

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13 (Pages 46 to 49)

<p style="text-align: right;">46</p> <p>1 above the median.</p> <p>2 A For Dey it's below the median.</p> <p>3 Q Okay. And it's below the median for what</p> <p>4 time periods?</p> <p>5 A August '94 through March '96.</p> <p>6 Q Okay. If we could go to the third page of</p> <p>7 Exhibit 125, if you could just tell me what this</p> <p>8 page reflects.</p> <p>9 A This is an update for albuterol that was</p> <p>10 done on 3/28/96.</p> <p>11 Q Okay. And who are the initials after the</p> <p>12 '96 in the update column?</p> <p>13 A It looks like ST to me.</p> <p>14 Q Do you know who ST is?</p> <p>15 A Stacey Thole.</p> <p>16 Q Okay. So page 3 only covers one time</p> <p>17 period, March of 1996; is that correct?</p> <p>18 A March 28, '96.</p> <p>19 Q And can you tell me, is Dey's AWP at,</p> <p>20 below, or above the median?</p> <p>21 A Dey is below the median.</p> <p>22 Q And if you could go to the last page of</p>	<p style="text-align: right;">48</p> <p>1 it's a drug that's formulated for a patient by</p> <p>2 an approved manufacturer such as the</p> <p>3 manufacturers listed in this array; correct?</p> <p>4 A Correct.</p> <p>5 Q And under that definition, a manufactured</p> <p>6 drug is different than a compounded drug;</p> <p>7 correct?</p> <p>8 A Correct.</p> <p>9 Q Okay. A compounded drug unlike a</p> <p>10 manufactured drug is a drug that's mixed</p> <p>11 together by a pharmacist; correct?</p> <p>12 A Oh --</p> <p>13 Q Well, do you not know or --</p> <p>14 A It depends on -- I'm not exactly sure what</p> <p>15 the true definition of compounded drugs are. If</p> <p>16 we're talking compounded drugs within the</p> <p>17 policy, then a compounded drug would be one that</p> <p>18 is mixed by the pharmacist.</p> <p>19 Q Okay. And all of the -- all of the drugs</p> <p>20 that are set forth in this array, none of them</p> <p>21 are compounded drugs; right?</p> <p>22 A Correct.</p>
<p style="text-align: right;">47</p> <p>1 Exhibit 125 and just tell me what this page</p> <p>2 represents.</p> <p>3 A This page represents the allowable for the</p> <p>4 J7620 from 7/'96 through April '97.</p> <p>5 Q Okay. And can you tell me, is Dey's AWP</p> <p>6 at, above, or below the median?</p> <p>7 A Below the median.</p> <p>8 Q All right. In the event that the price</p> <p>9 for Dey was something below 40 cents, let's say</p> <p>10 if it was 10 cents, would that change have had</p> <p>11 any effect on the median for this time period</p> <p>12 covered by the last page of Exhibit 125?</p> <p>13 A Considering the number of items that were</p> <p>14 picked up, no.</p> <p>15 Q And the reason for that is what?</p> <p>16 A Because it's below the median.</p> <p>17 Q All right. And will you agree with me,</p> <p>18 Ms. Helton, that the drugs that are listed on</p> <p>19 page 4 of Exhibit 125, that these are all</p> <p>20 manufactured drugs? Correct?</p> <p>21 A Correct.</p> <p>22 Q Okay. And when I say manufactured, I mean</p>	<p style="text-align: right;">49</p> <p>1 Q But if a pharmacist submits a claim for a</p> <p>2 compounded form of albuterol at the 0.083</p> <p>3 percent strength, they would bill that claim</p> <p>4 under this J-Code J7620; correct?</p> <p>5 MR. HENDERSON: Objection.</p> <p>6 THE WITNESS: I honestly do not know</p> <p>7 based on the policies that were in place and the</p> <p>8 time frames. Different -- the policy has</p> <p>9 different guidelines for compound drugs, and the</p> <p>10 coding to use for such depending on your dates.</p> <p>11 BY MS. GIULIANA:</p> <p>12 Q Let's go back to the second page of</p> <p>13 Exhibit 125. And just again remind me which</p> <p>14 dates are covered by this array.</p> <p>15 A August '94 -- August -- August 17, '94,</p> <p>16 through March 8, '96.</p> <p>17 Q Okay. I'd like to mark as Exhibit 126 a</p> <p>18 document with the fax cover sheet to Rob Vito</p> <p>19 from Pam Kelly, the Bates No. HHD011-0221,</p> <p>20 attaching what appears to be a nebulizer</p> <p>21 medications policy from 1995 for Region D.</p> <p>22 MR. HENDERSON: This is same as</p>

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<p style="text-align: right;">146</p> <p>1 her superior?</p> <p>2 A She was mine.</p> <p>3 Q Now, I'd like you to walk me through --</p> <p>4 approximately when was this document prepared?</p> <p>5 A I honestly don't know.</p> <p>6 Q Do you have any ballpark or idea of when</p> <p>7 this was prepared?</p> <p>8 A Because it's talking about October '99, I</p> <p>9 would say the end of '99 -- end of '99 through</p> <p>10 possibly the first quarter of 2000.</p> <p>11 Q Okay. Now, if you would, I'd like you to</p> <p>12 walk through the exact process you used when you</p> <p>13 would come up with a reimbursement level</p> <p>14 starting with the very beginning, with the Red</p> <p>15 Book, if you wouldn't mind.</p> <p>16 A Okay. The first thing when we're doing</p> <p>17 the drug is to look at the code, the description</p> <p>18 of the code, and what the unit is.</p> <p>19 Then we would go to Red Book to find</p> <p>20 the items that met the description of the code.</p> <p>21 We would -- if we were working from the hard</p> <p>22 copy, you have to go to the generic name of the</p>	<p style="text-align: right;">148</p> <p>1 Q Do you know if you searched for those</p> <p>2 documents for this litigation?</p> <p>3 A We did not produce the Red Books.</p> <p>4 Q Okay. But you still maintain them at</p> <p>5 Cigna?</p> <p>6 A The ones that we have, yes.</p> <p>7 Q Okay. Okay.</p> <p>8 A If -- based on the subscription. I may</p> <p>9 have missed one or two, and then when we went to</p> <p>10 the electronic, we didn't get the annuals.</p> <p>11 MR. HECK: Counsel, we would request</p> <p>12 that these Red Book materials be produced. You</p> <p>13 can think it over if you want, but I'm just</p> <p>14 making the request on the record.</p> <p>15 MR. HENDERSON: So noted.</p> <p>16 MR. HECK: Okay.</p> <p>17 MR. HENDERSON: I doubt we'll agree</p> <p>18 to it.</p> <p>19 BY MR. HECK:</p> <p>20 Q So when you switched to the electronic</p> <p>21 version, in what form would that electronic</p> <p>22 version of the Red Book come?</p>
<p style="text-align: right;">147</p> <p>1 drug first, find all of the products that meet,</p> <p>2 we would fill out or take the AWP from the Red</p> <p>3 Book, pull that back to our array.</p> <p>4 Q Okay. I'm sorry. Let me stop you there</p> <p>5 real quick.</p> <p>6 A Okay.</p> <p>7 Q You indicated that you would use the paper</p> <p>8 Red Book at times. And would you also use an</p> <p>9 electronic version of the Red Book at times?</p> <p>10 A We went to the electronic version, I</p> <p>11 believe, in 1999.</p> <p>12 Q Do you know when in 1999 you started using</p> <p>13 the electronic version?</p> <p>14 A I do not. I was trying to look in here</p> <p>15 because I thought it actually --</p> <p>16 Q If you don't recall, that's fine.</p> <p>17 A I don't recall.</p> <p>18 Q Okay. And when you switched to the</p> <p>19 electronic version of Red Book, did you maintain</p> <p>20 the old paper copies of the Red Book that you</p> <p>21 would use?</p> <p>22 A Yes.</p>	<p style="text-align: right;">149</p> <p>1 A It was on a CD.</p> <p>2 Q Would you ever print versions of the CD in</p> <p>3 hard copy form?</p> <p>4 A We would print specific -- individual</p> <p>5 pages.</p> <p>6 Q Okay. Would you -- did you maintain those</p> <p>7 pages as quarters progressed?</p> <p>8 A I am not sure that we maintained all of</p> <p>9 them.</p> <p>10 Q Okay. Now, you indicated that you would</p> <p>11 look at the code and find the description and</p> <p>12 then go to the Red Book.</p> <p>13 Who specifically -- would you</p> <p>14 perform this function yourself, or would someone</p> <p>15 on your staff perform this function?</p> <p>16 A It could be either myself or one of the</p> <p>17 other pricing analysts.</p> <p>18 Q And around the time this document was</p> <p>19 produced in late '99 or early 2000, how many</p> <p>20 other pricing analysts were there with you?</p> <p>21 A In '99 this would have been me.</p> <p>22 Q It would just have been you?</p>

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